

Application No.: 09/974,593

Docket No.: JCLA8091

REMARKS**I. Present Status of the Application**

The Office Action rejected claims 1-7 under 35 U.S.C. § 112, second paragraph, as being indefinite, and rejected claims 1, 5-6 under 35 U.S.C. § 102(b) as being anticipated by Oh et al. (EP 0836184). The Office Action acknowledged that claims 2-4 and 7 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

In response, claims 1-4, 6 and 7 have been amended and, thus, claims 1-7 remain pending in the present application, with claims 1, 2 and 7 being independent claims. Please note that support of amendment of claim 3 can be found, for example, in specification, paragraphs [0014], [0022] and [0125]. Applicant believes that these changes do not introduce new matter and reconsideration of those claims is respectfully requested.

II. Information Disclosure Statement

In the Office Action, at page 2, item 2, Examiner requests from the applicant an English translation (of pertinent part) of the IDS filed 10/10/03 and the accompanied Chinese search report. Accordingly, Applicant respectfully encloses herewith a copy of the English translation.

III. Response to Objections and Rejections**A. Rejections under 35 U.S.C. 112, ¶ 2**

The Office Action, at page 2, item 4, rejected claims 1-7 under 35 U.S.C. § 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Accordingly, Applicant amended claims 1, 2, 4 and 7 to address the rejection.

Application No.: 09/974,593

Docket No.: JCLA8091

Applicants therefore respectfully submit that the grounds of rejections have been addressed and the rejections overcome. Reconsideration and withdrawal of the rejections is respectfully requested.

B. Rejections under 35 U.S.C. § 102(b)

The Office Action, at page 3, item 5, rejected claims 1, 5-6 under 35 U.S.C. § 102(b) as being anticipated by Oh et al. Applicant respectfully traverses the rejection as applied to the amended claims for at least the reasons set forth below.

Claim 1 recites, inter alia, the following:

the holding device is in contact with top and bottom portions of the outer circumstance of the disc-shaped recording medium by clamping the outer circumstance of the disc-shaped recording medium from the top and the bottom, and clamps a central-front portion of the disc-shaped recording medium with respect to an insertion direction.

(Emphasis added). The holding device, as recited above in the amended claim 1 of the present invention, clamps the front portion of the outer circumstance, from the top and the bottom, of the disc-shaped recording medium, and clamps at the central edge near the front side with respect to the insertion direction. Apparently, the holding device is capable of holding a disc-shaped recording medium even before passing the maximum diameter portion of the disc-shaped recording medium. However, Oh et al. fail to teach such a feature. Rather, Oh et al. teach a rather different holding mechanism that the holding devices cannot hold the disc until the widest portion of the disc reaches or passes the holding devices/hooks (see: Figs. 6-14). In other words, the holding hooks are not able to hold the disc at an initial stage of the insertion.

For at least the foregoing reasons, therefore, Oh et al. do not anticipate claim 1 since Oh et al. do not teach each and every element of the claim. For at least the same reasons, its dependent claims 5 and 6 are not anticipated either.

Application No.: 09/974,593

Docket No.: JCLA8091

Accordingly, Applicant respectfully submits that the grounds of rejection have been addressed and the rejection has been overcome. Reconsideration and withdrawal of the rejection are respectfully requested.

C. Allowable subject matter

The Office Action, at page 4, acknowledged that claims 2-4 and 7 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Upon the amendments in this response, claims 2 and 7 are rewritten in independent form including all of the limitations of the original base claim 1. Claims 3 and 4 are dependent on the presently allowable claim 2. Please note that claim 4 is also amended for clarity.

Therefore, Applicant respectfully submits that claims 2-4 and 7, as amended, are in an allowable form. Applicant respectfully submits that the objection has been overcome and should be withdrawn.

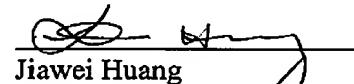
CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-7 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,
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